

SENATE BILL 338  
By Herron

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 221, relative to on-site sewage treatment systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 4, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_.

(a) Notwithstanding any provision of law to the contrary, in any area that is geologically undesirable for a single-home residential septic tank and drain field system, a single-home on-site aerobic sewage treatment plant may be utilized without a field line system for final disposal. However, the following requirements must be met:

(1) The treatment plant must meet or exceed the requirements of ANSI/NSF Standard 40; and

(2) The homeowner must, at all times, possess a valid biennial permit issued by the department of environment and conservation.

(b) The department of environment and conservation shall issue or renew a biennial permit for such treatment plant only if the following requirements are met:

(1) The application for issuance of a permit must be submitted by the homeowner to the department at least ninety (90) days prior to intended

utilization of the treatment plant or, in the case of a request for renewal of an existing permit, at least forty-five (45) days prior to the current permit's expiration;

(2) Each application must be accompanied by a non-refundable permit fee in an amount determined by the department;

(3) The initial application must include documentation from a licensed contractor, trained and certified by the manufacturer and registered with the department, indicating that the treatment plant has been installed in full compliance with manufacturer's specifications and departmental rules;

(4) Each application must also include a copy of a signed service contract, valid and binding for the full period of the requested permit, under the terms of which a technician, trained and certified by the manufacturer and registered with the department, will perform at least quarterly inspections and will adjust, maintain and repair the electrical, mechanical and other component parts of the treatment plant as needed to protect the public health and water quality.

The service contract must meet the following requirements:

(A) The technician must be required by the terms of the contract to immediately notify the department whenever the technician has reasonable grounds to believe that the homeowner has:

(i) Not maintained recommended chemical levels within the treatment plant;

(ii) Knowingly failed to report to the technician a malfunction of the treatment plant;

(iii) Transferred ownership of the home to another; or

(iv) Cancelled or otherwise terminated the contract;

(B) The technician must be required by the terms of the contract to immediately notify the department whenever the technician has

reasonable grounds to believe that continued utilization of the treatment plant jeopardizes public health or water quality; and

(5) The homeowner and the technician must consistently comply with such other reasonable requirements as may be imposed by the department for protection of public health and water quality.

(c)

(1) In accordance with the Uniform Administrative Procedures Act, Title 4, Chapter 5, the department of environment and conservation shall promulgate such rules and regulations as may be reasonably necessary to efficiently and effectively implement the provisions of this act. The rules shall include, but not necessarily be limited to, policies and procedures governing permit applications, permit fees, registration procedures and fees for contractors and technicians, and treatment plant operation and maintenance.

(2) The rules shall also authorize the department to impose a civil penalty not to exceed one thousand dollars (\$1,000) or suspend or revoke a permit for any homeowner whose on-site aerobic sewage treatment plant is being operated contrary to manufacturer's specifications, departmental rules or in any other manner jeopardizing the public health or water quality. If the department suspends or revokes the permit, then the department shall order an alternative means of sewage disposal for the period of the suspension or revocation, such as usage of a chemical toilet or installation of a field line system.

(3) The rules shall also authorize the department to impose a civil penalty not to exceed one thousand dollars (\$1,000) or suspend or revoke departmental registration of any contractor or technician, [i.e., registered pursuant to subsection (d) below], whose negligent actions, omissions or practices, with

respect to on-site aerobic sewage treatment plants, jeopardize the public health or water quality.

(d) A person who knowingly submits false information, or who knowingly assists another in submitting false information, to the department of environment and conservation for the purpose of securing or retaining a permit for an on-site aerobic sewage treatment plant commits a Class A misdemeanor.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect January 1, 2004, the public welfare requiring it.